



Advisory

To: Internet Web Site Owners Offering For
Sale Portable Fuel Containers and
Spouts

Number 309

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Internet Sales of Portable Fuel Containers and Spouts

Air Resource Board staff have found that internet web sites are offering for sale non-compliant portable fuel containers and spouts to customers in the State of California. This advisory will serve to clarify for the "gas can" industry that internet sales of non-compliant portable fuel containers and spouts to customers in California is a violation of the Portable Fuel Containers and Spouts Regulations and will be subject to potential penalties.

A "portable fuel container" means any container or vessel with a nominal capacity of ten gallons or less intended for reuse that is designed or used primarily for receiving, transporting, storing, and dispensing fuel. Portable fuel containers include gasoline cans, diesel containers, and other similar containers.

Portable fuel containers are subject to the Portable Fuel Containers and Spouts Regulations (regulations) in Title 13, California Code of Regulations sections 2467 et seq. These regulations apply to any person who sells, supplies, offers for sale, or manufactures for sale in California portable fuel containers or spouts or both portable fuel containers and spouts for use in California. Only portable fuel containers that are labeled as a "Spill-Proof System" that complies with all of the performance standards and administrative requirements can be offered for sale in California. For more specific information, the regulations can be obtained at the web site: www.arb.ca.gov/regact/spillcon/spillcon.htm.

Although the Air Resource Board has no authority on the sale through the internet of other types of portable fuel containers to non-California customers, we recommend that reasonable precautions be taken to prevent shipping these non-compliant products to California customers. We highly recommend that clear, concise language be placed on the web site advising your California consumers that non-compliant containers cannot be shipped to California. Additionally, we encourage you to set-up your computer system to block any such sales to California consumers.

Even though your business may be based outside of California, these regulations do apply to any person supplying portable fuel containers and spouts for use in California. It would be considered a violation of our regulations in the event you ship a non-compliant product to a California consumer that purchased it from your web site.

Failure to comply with these regulations may result in a penalty assessed to the extent punishable under Part 5, Division 26 of the Health and Safety Code. In addition, any manufacturer, distributor, or retailer offering a spill-proof system for sale in the State of California that does not comply with the requirements set forth in these regulations, may be subject to being enjoined from any further sale or distribution of such containers in the State of California.

If you have any questions regarding this advisory, please contact Steven Giorgi, Manager, Consumer Products Enforcement Section at (916) 322-6965. Written inquiries may be addressed to:

**Steven Giorgi, Manager
Consumer Products Enforcement Section
California Air Resources Board
P.O. Box 2815, Sacramento, CA 95812
E-mail Address: sgiorgi@arb.ca.gov**